

REMARKS

Applicants respectfully request reconsideration of this application, and reconsideration of the Office Action of December 23, 2003 (Paper No. 8). Upon entry of this Amendment, claims 1-14 will remain pending in this application. The amendment to claim 4 addresses an informality noted by the Examiner and makes a grammatical improvement to the claim. These changes are in no way intended to narrow the scope of this original claim. No new matter is incorporated by this Amendment.

As an initial matter, Applicants note the Examiner's comments regarding the documents listed on pages 5, 12 and 24 of the specification. Moreover, Applicants file herewith an Information Disclosure Statement which lists each of the documents cited on the above noted pages of the specification. A copy of each document is also submitted with the I.D.S. Applicants request that the Examiner return a signed and initialed copy of the I.D.S. PTO Form-1449 with the next Office Action.

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The drawings are objected to because Figures 6 and 7 are considered to lack the designation --Prior Art--. In response, Applicants submit herewith a Letter With Proposed Drawings Corrections and an amended version of each of Figures 6 and 7. The amended versions of Figure 6 and 7 both include the --Prior Art-- designation.

Further, Fig. 7 has been corrected to show the additional elements (i.e. R counter, MA counter, Sref, etc.) discussed on page 4 of the specification in relation to Figure 7. The changes made to Figure 7 do not introduce new matter as they are supported by at least page 4 of the specification (see entire page).

In view of the above, Applicants submit that this objection has been obviated and request that it be withdrawn.

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The specification is objected to because the abstract is purportedly not in proper form. In response, a new Abstract of the Disclosure is submitted herewith on a separate sheet of paper. The new Abstract fully complies with the requirements of the M.P.E.P. as stated in the Office Action.

In addition, the Office Action asserts that the terminology "Embodiment 1" on page 31, line 17 should be --Embodiment 2--. In response, Applicants have amended the specification as suggested by the Examiner.

In view of the above remarks, Applicants submit that this objection is overcome, Hence, reconsideration and withdrawal of the objection is respectfully requested.

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Claim 4 is objected to because of an informality. In response, claim 4 has been amended as suggested by the Examiner, thereby overcoming this objection. Hence, withdrawal of the objection is requested.

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Claims 1-14 are rejected under 35 U.S.C. 112, first paragraph, as purportedly not being enabled by the specification. Specifically, the Office Action asserts the configuration of the claims does not conform to the disclosure of the Drawings. Applicants respectfully traverse.

Applicants respectfully submit that the claims correspond to the various embodiments and Figures described in the specification as follows:

Embodiment 1 and Figures 1-3 and 10-12 correspond to claims 1-8;

Embodiment 2 wherein the colu L of Figure 2 is a microstrip line corresponds to claim 9;

Embodiment 3 and Figure 4 correspond to claim 10;

Embodiment 4 and Figure 9 correspond to claim 11;

Embodiment 5 and Figure 5 correspond to claim 12;

Embodiment 6 wherein the condenser of Figure 2 is a film type corresponds to claim 13;

and

Embodiment 7 and Figure 8 correspond to claim 14.

The basis for challenge under the enablement statute is in the situation where a patent specification fails to provide sufficient guidance to one of ordinary skill in the art to practice the invention, within the scope of the claims, without undue experimentation. The Office Action has raised no substantial evidence or analysis to challenge the presumption of enablement here. To maintain this rejection, the Office Action must present persuasive evidence with a detailed analysis to demonstrate why the specification would not enable one of ordinary skill in the art to practice the invention without undue experimentation.

It respectfully is urged that there is clearly sufficient disclosure in the specification as to how to make and use the claimed apparatus. This compels the conclusion that the specification does teach how to practice the invention to its full extent as claimed. The Office Action has not set forth a sufficient explanation as to why the rejected claims are not enabled by the specification and accordingly, Applicants respectfully traverse the rejection and request that it be withdrawn.

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Applicants respectfully submit that this Amendment and the above remarks obviate the outstanding objections and rejections in this case, thereby placing the application in condition for immediate allowance. Allowance of this application is earnestly solicited.

If any additional fees under 37 C.F.R. §§ 1.16 or 1.17 are due in connection with this filing, please charge the fees to Deposit Account No. 02-4300; Order No. 033216.035.

If an extension of time under 37 C.F.R. § 1.136 is necessary that is not accounted for in the papers filed herewith, such an extension is requested. The extension fee should be charged to Deposit Account No. 02-4300; Order No. 033216.035.

Respectfully submitted,
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Dated: March 23, 2004
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